

**TENTH DAY**

(Thursday, January 26, 1995)

The Senate met at 10:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Cain, Ellis, Gallegos, Galloway, Harris, Haywood, Henderson, Leedom, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Nixon, Patterson, Ratliff, Rosson, Shapiro, Sibley, Sims, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

A quorum was announced present.

Dr. Ed Wright, Pastor, Hillcrest Baptist Church, Austin, offered the invocation as follows:

Heavenly Father, I want to thank You for another day of life. I ask that we may use this day to impact our world with Your principles. I am so thankful that You have given us an immutable standard that is like a beacon of truth and justice. I know that You are very much concerned with what happens in this chamber.

May these men and women draw from Your great knowledge of law. May these men and women understand and apply Your heart of compassion. May these men and women accept Your guidance in displaying wisdom.

Father, please watch over their families and protect their health. In Jesus' name I pray. Amen.

On motion of Senator West and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**CO-AUTHORS OF SENATE BILL 13**

On motion of Senator Montford and by unanimous consent, Senators Galloway, Lucio, Madla, Patterson, Ratliff, Shapiro, and Sims will be shown as Co-authors of **S.B. 13**.

**CO-AUTHORS OF SENATE BILL 24**

On motion of Senator Shapiro and by unanimous consent, Senators Bivins, Galloway, Lucio, Madla, Montford, Patterson, Ratliff, Sibley, and Sims will be shown as Co-authors of **S.B. 24**.

**CO-AUTHORS OF SENATE BILL 25**

On motion of Senator Sibley and by unanimous consent, Senators Bivins, Galloway, Montford, Patterson, Ratliff, and Sims will be shown as Co-authors of **S.B. 25**.

**CO-AUTHORS OF SENATE BILL 27**

On motion of Senator Sims and by unanimous consent, Senators Bivins, Galloway, Lucio, and Patterson will be shown as Co-authors of **S.B. 27**.

**CO-AUTHORS OF SENATE BILL 28**

On motion of Senator Sibley and by unanimous consent, Senators Bivins, Galloway, Montford, Patterson, Ratliff, and Sims will be shown as Co-authors of **S.B. 28**.

**CO-AUTHORS OF SENATE BILL 30**

On motion of Senator Sibley and by unanimous consent, Senators Bivins, Galloway, Madla, Montford, Patterson, and Sims will be shown as Co-authors of **S.B. 30**.

**CO-AUTHORS OF SENATE BILL 31**

On motion of Senator Lucio and by unanimous consent, Senators Cain, Gallegos, Galloway, Madla, Montford, Patterson, and Ratliff will be shown as Co-authors of **S.B. 31**.

**CO-AUTHORS OF SENATE BILL 32**

On motion of Senator Montford and by unanimous consent, Senators Galloway, Lucio, Madla, Patterson, and Ratliff will be shown as Co-authors of **S.B. 32**.

**CO-AUTHORS OF SENATE BILL 33**

On motion of Senator Brown and by unanimous consent, Senators Bivins, Galloway, Lucio, Montford, Patterson, Ratliff, and Sims will be shown as Co-authors of **S.B. 33**.

**CO-AUTHOR OF SENATE BILL 42**

On motion of Senator Shapiro and by unanimous consent, Senator Cain will be shown as Co-author of **S.B. 42**.

**CO-AUTHOR OF SENATE BILL 83**

On motion of Senator Shapiro and by unanimous consent, Senator Cain will be shown as Co-author of **S.B. 83**.

**GUESTS PRESENTED**

Senator Nelson was recognized and introduced to the Senate the Leadership Lewisville class.

The Senate welcomed its guests.

**SENATE BILLS AND RESOLUTIONS ON FIRST READING**

The following bills and resolutions were introduced, read first time, and referred to the committees indicated:

**S.J.R. 25** by Patterson State Affairs  
Proposing a constitutional amendment authorizing a voluntary, consensual encumbrance on homestead property for the purpose of an equity loan.

**S.J.R. 26** by Ellis, West, Jurisprudence  
Lucio, Luna, Madla, Moncrief, Montford, Turner  
Proposing a constitutional amendment providing for the appointment of

appellate justices and judges by the governor with retention elections on a nonpartisan ballot for those justices and judges, for the nonpartisan election and retention or rejection of district judges, for the election of certain district judges from commissioners court precincts, and for the alteration of the terms of certain judicial offices.

**S.J.R. 27** by Patterson Criminal Justice  
Proposing a constitutional amendment relating to the reversal of a criminal conviction because of a violation of a constitutional right.

**S.J.R. 28** by Galloway State Affairs  
Proposing a constitutional amendment to limit the time that a person may serve in legislative office or in a statewide elective executive office.

**S.B. 301** by Patterson State Affairs  
Relating to a voluntary, consensual encumbrance on homestead property for the purpose of an equity loan.

**S.B. 313** by Ellis, West, Jurisprudence  
Lucio, Luna, Madla, Moncrief, Montford, Turner  
Relating to the appointment of appellate justices and judges, to the nonpartisan election of district judges, to the retention or rejection of district and appellate judges, and to the creation of certain judicial districts.

**S.B. 317** by Armbrister Intergovernmental Relations  
Relating to the authority of a municipality to implement a photographic traffic-control system; providing for imposition of a civil penalty.

**S.B. 318** by Turner State Affairs  
Relating to designation of United States Highway 290 in Lee County as the Henry G. "Bud" Lehman Highway.

**S.B. 319** by Armbrister, Sibley, Truan State Affairs  
Relating to a nonsubstantive recodification of the Public Utility Regulatory Act.

**S.B. 320** by Shapiro Jurisprudence  
Relating to the county courts at law of Collin County.

**S.B. 321** by Shapiro Jurisprudence  
Relating to the creation of a judicial district composed of Collin County.

**S.B. 322** by Nixon Criminal Justice  
Relating to extensions of orders for pen registers or trap and trace devices.

**S.B. 323** by Nixon Health and Human Services  
Relating to the licensing of certain physicians who are certified by a medical specialty board.

**S.B. 324** by Zaffirini Jurisprudence  
Relating to the creation of a judicial district composed of Starr County.

**S.B. 325** by Patterson Economic Development  
Relating to the payment of wages through electronic funds transfer.

**S.B. 326** by Patterson Jurisprudence  
Relating to the use of interest on client funds held by attorneys for the legal representation of a criminal defendant.

**S.B. 327** by Patterson Natural Resources  
Relating to the appointment and terms of office of the directors of the Gulf Coast Water Authority.

**S.B. 328** by Cain Criminal Justice  
Relating to the offense of aggravated assault and to the penalties associated with that offense.

**S.B. 329** by Sims, Armbrister Natural Resources  
Relating to the management of certain wildlife or exotic animals from aircraft.

**S.B. 330** by Ellis Economic Development  
Relating to the establishment, powers, and duties of the Texas Residential and Commercial Insurance Plan Association.

**S.B. 331** by Ellis Economic Development  
Relating to declination, cancellation, or nonrenewal of certain insurance coverage.

**S.B. 332** by Ellis Economic Development  
Relating to public access to certain underwriting guidelines used by insurers.

**S.B. 333** by Ellis Economic Development  
Relating to discrimination in the availability of insurance coverage.

**S.B. 334** by Ellis Economic Development  
Relating to the authority of the Texas Workers' Compensation Insurance Fund to provide general liability and commercial property insurance coverage.

**S.B. 335** by Madla Criminal Justice  
Relating to the consequences of certain criminal offenses arising out of the operation of a motor vehicle by a person without a driver's license.

**(Senator Bivins in Chair)**

#### **GUESTS PRESENTED**

Senator West was recognized and introduced to the Senate the fourth-grade class of Hyde Park Baptist Elementary School of Austin. Senator West further announced that Travis Burleson, son of Janna Burleson, is a student in this fourth-grade class. Ms. Burleson is the assistant to Senator West.

The Senate welcomed its guests.

**(President in Chair)**

#### **CAPITOL PHYSICIAN**

The President recognized Senator Turner, who presented Dr. David Pope of Bryan as the "Doctor for the Day."

Dr. Pope, participating in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians, was made welcome by the Senate.

#### **MEMORIAL RESOLUTIONS**

**S.R. 93** - By Wentworth: In memory of James E. Ingram of San Antonio.

**S.R. 98** - By Lucio: In memory of Travis Dade Hiester of Edinburg.

#### **CONGRATULATORY RESOLUTIONS**

**S.R. 90** - By Ellis: Congratulating Ryan Bruce Salinas of Houston on achieving the rank of Eagle Scout.

**S.R. 91** - By Ellis: Recognizing Dr. Frank G. Moody, who has been selected as the "Distinguished Houston Surgeon" for 1995 by The Houston Surgical Society.

**S.R. 92** - By Whitmire: Congratulating the Reverend Gregory L. Checks for becoming the new pastor of Central Garden Missionary Baptist Church.

**S.R. 94** - By Madla: Congratulating Mr. and Mrs. Sebastian C. Hernandez, Sr., on the occasion of their 50th wedding anniversary.

**S.R. 95** - By Henderson: Congratulating Brian Timothy Moore on achieving the rank of Eagle Scout.

**S.R. 96** - By Henderson: Recognizing Dr. Frank G. Moody, who has been selected as The Houston Surgical Society's Distinguished Houston Surgeon for 1995.

**S.R. 97** - By Gallegos: Recognizing the humanitarian work of the Amigos Volunteers in Education and Services, Incorporated, of Houston.

#### **ADJOURNMENT**

On motion of Senator Truan, the Senate at 10:21 a.m. adjourned until 11:00 a.m. Monday, January 30, 1995.

---

#### **APPENDIX**

---

#### **REPORTS OF STANDING COMMITTEES**

The following committee reports were received by the Secretary of the Senate:

January 26, 1995

NATURAL RESOURCES — C.S.S.B. 198

FINANCE — S.B. 102, S.B. 114

**SENT TO SECRETARY OF STATE**

(January 26, 1995)

**S.C.R. 32**

**SENT TO GOVERNOR**

(January 26, 1995)

**S.C.R. 29**

**ELEVENTH DAY**

(Monday, January 30, 1995)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Cain, Ellis, Gallegos, Galloway, Harris, Haywood, Henderson, Leedom, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Nixon, Patterson, Ratliff, Rosson, Shapiro, Sibley, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

Absent-excused: Sims.

A quorum was announced present.

**(Senator Shapiro in Chair)**

Rabbi Marc Sack, Congregation Agudas Achim, Austin, offered the invocation as follows:

Almighty God, author of all creation, we ask for the blessing of Your presence. We pray that through our faith in You, we will have the courage to speak and act out of our conviction, rather than out of our self-interest. We pray that through our faith in You we will speak honestly, but not harshly, candidly, but without a mean spirit.

We come together to strengthen our great state and to govern fairly the lives of its citizens. We pray that, with Your guidance, our deliberations and our actions will improve the lives of all Texans so that they are better able to follow Your ways. We pray that our actions will spread justice throughout our land.

At this time in our prayers, we ask for Your great mercy. One member of this body, Bill Sims, has suffered a stroke. We ask that You grant him and his family strength, courage, and, God-willing, healing, so that he may return to full health and vigor. May all people who are suffering feel Your love and compassion. May that love and compassion be increased through our work. Let us say Amen.